

9D-HR-19764
PATENT**REMARKS**

The Office Action mailed February 18, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-23 are now pending in this application. Claims 1-8 and 10-13 stand rejected. Claims 16-23 are withdrawn from consideration. Claims 1 and 6 are currently amended. Claims 9, 14, and 15, are objected to.

The undersigned wishes to thank Examiner Hansen for the courtesies extended in telephonic interviews on February 11, 2004 and February 12, 2004, in which the Examiner proposed claim amendments to obviate pending Section 112 rejections. No agreement was reached.

The rejection of claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and claim the subject matter of the invention is respectfully traversed.

Claim 1 has been amended to recite an engagement portion that is received between a retaining tongue and an adjacent surface of the element that includes the retaining tongue. As amended, Claim 1 is descriptive of the embodiments described and illustrated. Claims 2-5 depend from Claim 1 and are now also submitted to be definite. Accordingly, Applicants respectfully request that the Section 112 rejections of Claims 1-5 be withdrawn.

The rejection of Claims 1-8, 10, and 11-13 under 35 U.S.C. § 102(b) as being anticipated by Kordes (U.S. Patent No. 4,134,626) is respectfully traversed.

Kordes describes a door (10) for a refrigerator. Door (10) has an outer door face (12) with an outer wall (14), side walls (16), and a rim (18). Rim (18) extends inwardly from side walls (16) in spaced relation thereto, terminating at an inner edge (20) that defines an opening or chamber (26) in face (12). A drum (22) is disposed over the opening (26). An outer periphery

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(24) of drum (22) is positioned adjacent to, but spaced apart from, opposing portions of rim (18). A retainer (30) is slipped over the edge (20) of rim (18). Retainer (30) is substantially S-shaped and includes two oppositely opening portions (32) and (34). A temporary spacer (36) is inserted between rim (18) and opposing portions of retainer (30). Spacer (36) is removed after chamber (26) is filled with an insulating material (28) (col. 3, line 66 – col. 4, line 8). Notably, in Kordes, the retainer has no retaining tongue, nor is there an engagement portion received in a retaining tongue. Applicants respectfully traverse the assertion in the presently pending Office Action that spacer (36) is an engagement portion. The spacer is not a part of the retainer, or the case, or the drum and is removed and discarded after the insulating material is added.

Applicants respectfully submit that the pending claims are patentably distinguishable over Kordes. Claim 1 recites a refrigeration appliance cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion proximate a base portion of an adjacent one of said pair of adjacent channels; and a casing, one of said bottom mullion engagement portion and said casing comprising a retaining tongue and the other of said bottom mullion engagement portion and said casing comprising an engagement surface for being received between said tongue and an adjacent surface of said one of said bottom mullion engagement portion and said casing.”

Kordes does not describe or suggest a bottom mullion that includes a pair of adjacent channels and an engagement portion proximate a base portion of an adjacent one of the pair of adjacent channels, and a casing, one of the bottom mullion engagement portion and the casing including a retaining tongue and the other of the bottom mullion engagement portion and the casing including an engagement surface for being received between the tongue and an adjacent surface of the one of the bottom mullion engagement portion and the casing. Moreover, Kordes does not describe or suggest a retaining tongue that receives an engagement surface between the retaining tongue and an adjacent surface of the member that includes the retaining tongue. Rather, Kordes describes an S-shaped retainer for coupling a door face to a drum. Kordes has no

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engagement portion adjacent a base portion of a channel, nor does Kordes describe a retaining tongue. Contrary to the assertion in the Office Action, Applicants respectfully submit that the element 18 in Kordes has no adjacent surface of which it is a part. For the reasons set forth above, Claim 1 is submitted to be patentable over Kordes.

Claims 2-5 depend from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 likewise are patentable over Kordes.

Claim 6 recites a refrigerator cabinet including "a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion, one of said channels including a reinforcing section, said engagement portion extending from said reinforcing section; and a casing in press fit engagement with said bottom mullion engagement portion."

Kordes does not describe or suggest a refrigerator cabinet including a bottom mullion, that includes a pair of adjacent channels and an engagement portion, wherein one of the channels includes a reinforcing section and the engagement portion extends from the reinforcing section, and a casing in press fit engagement with the bottom mullion engagement portion. Moreover, Kordes does not describe or suggest a bottom mullion wherein one of the channels has a reinforcing section and an engagement portion that extends from the reinforcing section. Rather, Kordes describes an S-shaped retainer for coupling a door face to a drum and a spacer that is removed after the application of the insulating material. For the reasons set forth above, Claim 6 is submitted to be patentable over Kordes.

Claims 7, 8, and 10 depend from independent Claim 6. When the recitations of Claims 7, 8, and 10 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 7, 8, and 10 likewise are patentable over Kordes.

Claim 11 recites a refrigerator cabinet including "a casing; an inner liner within said casing, said inner liner comprising at least one refrigeration compartment; and a bottom mullion,

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said bottom mullion comprising a pair of adjacent channels, said bottom mullion configured to receive a portion of said inner liner, said casing configured to receive a portion of said bottom mullion with press fit engagement”.

Kordes does not describe or suggest a refrigerator cabinet including a casing, an inner liner within the casing, the inner liner including at least one refrigeration compartment, and a bottom mullion, wherein the bottom mullion includes a pair of adjacent channels, and the bottom mullion is configured to receive a portion of the inner liner, and wherein the casing is configured to receive a portion of the bottom mullion with press fit engagement. Moreover, Kordes does not describe or suggest a casing and an inner liner within the casing. Rather, Kordes describes an outer door face (12), a rim (18) that defines an opening in the face, and a drum (22) having an outer periphery (24) and disposed over the opening (18) (col. 3, lines 37-48, see also Figures 5 and 6). It is clear that no part of the liner/drum (22) is within the casing/door face (12). For the reasons set forth above, Claim 11 is submitted to be patentable over Kordes.

Claims 12 and 13 depend from independent Claim 11. When the recitations of Claims 12 and 13 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12 and 13 likewise are patentable over Kordes.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-8, 10, and 11-13 be withdrawn.

The objection to Claims 9, 14, and 15 is respectfully traversed.

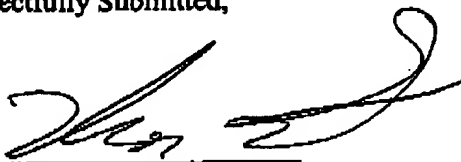
Applicants thank the Examiner for the indication of allowable subject matter in dependent Claims 9, 14, and 15. Applicants submit, however, that the respective base claims of Claims 9, 14, and 15 are patentable over the cited art for the reasons set forth above, and that Claims 9, 14, and 15 are likewise patentable.

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Accordingly, Applicants respectfully request that the objection to Claims 9, 14, and 15 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070